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REPORT OF THE SECRETARY-GENERAL SUBMITTED PURSUANT TO SECURITY COUNCIL RESOLUTION 994 (1995)

I. INTRODUCTION

1. In paragraph 11 of its resolution 994 (1995) of 17 May 1995, the Security Council requested the Secretary-General to report to the Council on the implementation of the provisions of that resolution, including on the modalities for the implementation of the mandate in Sector West of the United Nations Confidence Restoration Operation in Croatia, which is known as UNCRO.

2. In paragraph 7 of that resolution, the Security Council also requested the Secretary-General, in cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations High Commissioner for Human Rights, the International Committee of the Red Cross (ICRC) and other relevant international humanitarian institutions, to assess the humanitarian situation of the local Serb population in Sector West, including the problem of refugees, and to report thereon as soon as possible.

3. In response to these requests, the present report outlines developments in the UNCRO mission area since 1 May 1995, reports on the implementation of resolution 994 (1995) and on the modalities for the implementation of the UNCRO mandate with particular reference to Sector West and provides an initial assessment of the humanitarian situation of the local Serb population in Sector West, including the problem of refugees.

II. DEVELOPMENTS LEADING TO THE CURRENT SITUATION

4. Following the adoption of resolution 981 (1995) of 31 March 1995, there was a slight reduction in tension between the Croatian Government and Serb local authorities during April, except in the areas along Croatia's border with the western part of Bosnia and Herzegovina. Both sides continued to develop their defensive positions around the zone of separation, causing an increase in the number of violations of the cease-fire agreement of 29 March 1994 (S/1994/367, annex), which at the end of March 1995 had reached a total of 250. Restrictions on the movement of UNCRO continued, particularly in and around Sectors East, West and South. Tension in Sector West increased dramatically when, on

24 April, the Serb authorities closed the highway through the Sector for a 24-hour period in protest over the number of trucks denied passage along the highway by the European Union (EU)/Organization for Security and Cooperation in Europe (OSCE) Sanctions Assistance Mission in Croatia (SAM Croatia) at the Lipovac crossing in Sector East because their passage would have violated the sanctions regime on the Federal Republic of Yugoslavia (Serbia and Montenegro). Potential escalation was averted at the time through negotiations by UNCRO personnel.

5. On 1 May 1995, the Croatian Army and police entered Sector West from both directions on the Zagreb-Belgrade highway with some 2,500 troops, heavy equipment and air support. This operation was initially described by the Croatian Government as a police action intended only to restore security on the highway following the stabbing of a Serb by a Croatian refugee on 28 April, the subsequent retaliatory killing of three Croatian citizens by Serbs and a further alleged attack on a Croat on 30 April. The operation cut off the Serb-controlled part of the Sector from Bosnian Serb-held areas of Bosnia and Herzegovina. In the afternoon of 1 May my Special Representative brought the parties together in Zagreb and presented a proposal for a cease-fire. This was accepted by the Serbs but not by Croatia. President Tudjman declared the operation to be completed on 2 May. Croatian military movements, which continued between 2 and 5 May in the central part of Sector West and against the main Serb town, Okucani, revealed that the intention was to establish complete control over the Sector. As of 2 May, the Croatian Army had essentially secured all militarily important positions. The Krajina Serbs responded by firing missiles on both 2 and 3 May into urban areas of Zagreb and the Pleso airfield and shelling the towns of Karlovac and Sisak.

6. Following intensive negotiations in Knin and Zagreb, an agreement was reached on 3 May on a cessation of hostilities in all areas, including Sector West, and on arrangements to ensure safe passage from Sector West into Bosnian Serb-controlled parts of Bosnia and Herzegovina for those remaining Serb civilians and soldiers (with sidearms only) who wished to leave under UNCRO and UNHCR surveillance. However, at approximately 2 p.m. on 4 May, while UNCRO was attempting to negotiate the implementation of the agreement with some 600 Serb soldiers in Pakrac, the Croatian Army began to shell the Serb-inhabited part of Pakrac in response to alleged attacks on Croatian police and attempts by Serb soldiers to escape. As a result, the Serbs surrendered to the Croatian Army and police, who subsequently began to assemble the remaining Serb inhabitants, separating males and females. Males, mainly of military age but also including some young and very old individuals, were transported to three locations outside the Sector.

7. Tensions between Croatian and Krajina Serb forces in all Sectors rose to an extremely high level. At the same time as the aforementioned operations in Sector West were under way, Croatian forces advanced and took up improved tactical positions in the zone of separation near Osijek in Sector East, Petrinja in Sector North and Gospic and Medak in Sector South. Although these moves were not followed by significant reinforcements, they gave the Croatian forces considerable local tactical advantage, further weakened the integrity of the cease-fire agreement of 29 March 1994 and threatened adjacent United Nations positions. The most significant Serb advance into the zone of separation in

response to the Croatian action was in Sector East. Elsewhere, the Serbs removed heavy weapons from storage sites and impeded United Nations freedom of movement.

8. The efforts of UNCRO to facilitate the voluntary movement of Serb civilians and soldiers and to maintain open communication with the civilian and military leadership on both sides contributed significantly to the avoidance of further retaliatory missile attacks and subsequent escalation. The situation remained tense because of the continued presence of Croatian Army and Krajina Serb forces in and along the zone of separation. Negotiations at all levels were conducted with the Croatian Army to secure the withdrawal of its regular brigades. The present situation in the zone of separation corresponds largely with the situation prior to the 1 May offensive, with both sides continuing to have a presence in the zone.

9. Military successes by the Croatian Army in Sector West seem to have motivated a similar campaign in Sector South, notwithstanding assurances by the Croatian Government that it will not pursue further military objectives. On 4 June, the Croatian Army and Bosnian Croats launched a combined small-scale infantry and artillery attack in the area of Mount Dinara, 20 kilometres south-east of Knin, shelling several villages in the environs. On 6 June, a similar attack was again carried out from the direction of Mount Dinara, resulting in several bouts of shelling, with three rounds impacting inside the Kenyan battalion camp at Civiljane.

III. IMPLEMENTATION OF RESOLUTION 994 (1995)

10. In its resolution 994 (1995) of 17 May 1995 and in the statements of the President of the Security Council of 1 and 4 May 1995 (S/PRST/1995/23 and 26), which were reaffirmed in that resolution, the Council made three principal demands: (a) that the warring parties complete without further delay the withdrawal of all their troops from the zone of separation and that they refrain from taking any further military measures or actions that could lead to the escalation of the situation; (b) that the Government of Croatia respect fully the rights of the Serb population, including their freedom of movement, and access to them by international humanitarian organizations; and (c) that the authority of UNCRO be re-established, that its status and mandate, as well as the safety and security of its personnel, be respected and that necessary arrangements be made in order to ensure its full deployment.

A. Zone of separation

11. Full compliance with the Council's demand that the warring parties complete their withdrawal from the zone of separation has not yet been achieved, although there have been significant efforts to improve compliance. On the Croatian side, severe restrictions of movement limit UNCRO's ability to verify violations. However, as of 8 June 1995, over 578 Croatian soldiers were observed inside the zone of separation or entering it and 16 heavy weapons were observed inside the zone at different times. In addition, 28 heavy weapons were within the 10- and 20-kilometre zones prescribed by the cease-fire agreement.

While the latter number is a major improvement, it is of concern that Croatian troops continue to be deployed in very close proximity to the zone of separation, from where they would be able to reoccupy previous positions quickly. Thus their withdrawal from the zone of separation has largely satisfied the technical demands of the Council but has not gone far enough to reduce tensions and remove the apprehension of the Serb side that further attacks could soon occur. Moreover, the Croatian position is that their forces will withdraw only to the positions they held before the military offensive on 1 May 1995. It should be recalled that the integrity of the cease-fire agreement of 29 March 1994 had already been seriously undermined following the announcement by the Croatian Government on 12 January 1995 that it would no longer consent to UNPROFOR's presence. Thus a return to the positions of 1 May 1995 is not adequate to reduce overall tensions, nor would it constitute full compliance with the Council's demands.

12. On the Serb side, there remains a major presence in the zone of separation, including over 1,723 soldiers and 84 heavy weapons. Over 303 heavy weapons are deployed in contravention of the 10- and 20-kilometre zones. The Serb side maintains that these are defensive deployments only, necessitated by the continued presence of Croatian forces in and near the zone and the prevailing fear of further military action by Croatia. Despite the intensive efforts of my Special Representative and the Force Commander to facilitate a face-to-face meeting between the military commanders of both sides, the Serb side has placed preconditions on such a meeting including that Croat forces withdraw from the Mount Dinara area in Sector South, that all Croatian special police and military forces depart from Sector West and that Serb weapons taken by Croatian forces from the weapons storage points there be returned. The Serb side has also refused the invitation of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia to attend talks in Geneva.

13. In addition to these military actions by both sides, moves by the Krajina Serb leadership to establish a union with the Bosnian Serbs make it difficult to stabilize the military situation. While the unification of two self-proclaimed and unrecognized entities would have no international legal validity, senior Croatian government officials have expressed concern about the effect of such a move on the implementation of the economic agreement of 2 December 1994 (S/1994/1375) and the commencement of political negotiations.

B. Sector West

14. With regard to the human rights of Serbs remaining in Sector West, there has been a steady improvement in the ability of international agencies, including UNCRO, to monitor their condition. During the initial phase of the Croatian military offensive and for several days afterwards, severe restrictions of movement were placed on UNCRO personnel, although some international observers were able to enter areas where Serbs were concentrated. The holding of over 1,400 Serbs, mostly male, in detention centres was generally monitored satisfactorily, as was the release of all but 186 of them, who remain under investigation for alleged war crimes. The Croatian Government has sought to encourage Serbs to remain in the Sector and has issued personal documents,

including citizenship papers and some passports, to those who have applied for them.

15. Despite the evident efforts of the Croatian Government to achieve high standards of respect for the Serbs' human rights in Sector West and to discourage them from moving into Bosnia and Herzegovina, an atmosphere of fear prevails and only a few hundred are likely to choose to stay in the Sector. The Croatian police have reportedly conducted themselves properly and with concern for the remaining Serbs but there continue to be reports of harassment and intimidation, including looting and the burning of houses, when Croatian police are not present. Moreover, there have been considerable delays in the establishment of administrative and institutional mechanisms for reconciliation and confidence restoration in the Sector. The Government's intention to return by September 1995 up to 14,000 Croats who were displaced from the Sector since 1991 has caused anxiety among the remaining Serbs, who fear that the police will not be able to control or prevent local acts of retribution and intimidation by returning Croat displaced persons. Nor does there yet appear to be a concerted government effort to encourage Serbs who have left the area to return, by, for example, unambiguously stating that Serbs, including those who have left since 1 May 1995, are welcome to return and that their property rights remain intact.

C. Restoration of UNCRO's authority and implementation of its mandate

16. The re-establishment of the authority of UNCRO and respect for the safety and security of its personnel have presented different problems on each side. On the Croatian side there is now clear government support for the continuation of the mission. The signing of the long-delayed status-of-forces agreement on 15 May 1995 was a positive step that is expected to reduce obstructions to the functioning of the operation. The Croatian Government has expressed its full support for the deployment of UNCRO and the performance of its functions as outlined in my report to the Council of 18 April 1995 (S/1995/320), has invited the deployment of a large number of UNCRO civilian personnel throughout Sector West to monitor Serbs' human rights and has suggested that UNCRO military personnel should be based in Jasenovac and Stara Gradiska in that Sector for the purposes of monitoring the international border between Croatia and Bosnia and Herzegovina. Croatian authorities have also undertaken to return all United Nations property in their possession and pay reimbursement for equipment and property damaged by Croatian forces in Sector West during their offensive.

17. However, that offensive was a violation of the cease-fire agreement of 29 March 1994. Total restriction of movement was imposed on UNCRO in Sector West for the first seven days of May, which prevented it from fulfilling the role entrusted to it under the cessation-of-hostilities agreement of 3 May 1995. Vehement accusations of partiality were levelled against those personnel who were reporting on human rights at that time. All these actions imply an underlying attitude of cynicism towards the mission, its personnel and its ability to fulfil its mandate. Moreover, the offensive in Sector West, despite the presence of UNCRO personnel and the danger in which the offensive placed them, does not augur well for the mission's ability to deter further resort to military options.

18. On the Serb side, there is continued anger and hostility at UNCRO's inability to prevent the Croatian offensive or fulfil its role under the cessation-of-hostilities agreement of 3 May 1995. In meetings with my Special Representative, Krajina Serb leaders have emphasized that this was the fourth major military offensive by Croatia (following on those at the Milavjeci Plateau in June 1992, around Maslenica in January 1993 and in the Medak pocket in September 1993) since United Nations peace-keeping forces were deployed. They have expressed their mistrust of the Security Council but have affirmed their agreement to the continuation of the United Nations mission on the basis of its original mandate in the United Nations peace-keeping plan for Croatia (S/23280, annex III) and the functions anticipated in the cease-fire agreement of 29 March 1994, which they interpret as meaning the unconditional withdrawal of Croatian forces from Sector West. However, the Krajina Serb "Assembly", in its meeting at Borovo Selo on 20 May 1995, rejected the name of UNCRO, on the grounds that it prejudged a political solution and rejected the parts of resolution 981 (1995) that treat the Serb-held territories as part of Croatia. The "Assembly" expressed its readiness for further cooperation with the United Nations in the search for a peaceful and just solution to the conflict "based on principles of impartiality and equal honouring of the sovereign rights of the Serb nation in the Republic of Serb Krajina".

19. While at the political level the continued presence of the mission is accepted, on the ground there is disappointment among Serb local officials and the Krajina Serb population at large and a resultant lack of cooperation with the mission and its personnel. Of primary concern is the increase in armed hijackings and robbery of UNCRO personnel, particularly unarmed United Nations civilian police (UNCIVPOL). Since 1 May 1995 there have been nearly 40 such incidents and UNCIVPOL personnel have been confined to their quarters by aggressive Serb officials and have had severe restrictions placed upon their movements. While the Krajina Serbs have insisted that UNCRO monitor the situation of the Serbs in Sector West, they have not facilitated UNCRO's task of monitoring the situation of Croats in the Serb-controlled sectors. These deteriorating conditions have applied in all Sectors.

20. In these difficult circumstances, UNCRO's immediate task is to seek to restore stability on the ground and rebuild confidence with the Serb side. Extensive negotiations and other tension-reducing measures will be required for extensive troop redeployments, in accordance with the provisions of the mandate, to be achieved. During this sensitive period, the gradual re-establishment of the cease-fire agreement will be of paramount importance, but UNCRO will also seek to implement all other parts of its mandate as circumstances permit. UNCRO's immediate aim is to re-establish the integrity of the zone of separation, oversee the removal of heavy weapons to the weapons storage sites, maintain and enforce the 10- and 20-kilometre zones and monitor violations. UNCRO will also seek to increase its UNCIVPOL and civilian presence in Sector West, conduct high-visibility patrolling, monitor the protection of human rights and facilitate the movement of refugees. It will, however, fulfil these and other aspects of its mission only with the consent and cooperation of the parties.

21. When feasible, the Force Commander intends to redeploy UNCRO's forces in two phases to achieve mandated force levels and optimal deployment of resources.

The entire redeployment is to be done in a totally transparent manner and will require the parties' full cooperation. It is likely to require most of the mandate period. Reinstatement of the cease-fire agreement of 29 March 1994 and stabilization of the tense situation in the Mount Dinara area of Sector South are the first steps upon which all other aspects of the mandate depend. While UNCRO seeks to achieve these steps, it will also carry out its redeployment and progressively undertake other difficult tasks, such as assisting in border control.

IV. HUMANITARIAN SITUATION IN SECTOR WEST

22. Before 1 May 1995, the Serb population was divided into two parts within Sector West. About 5,000 Serbs lived among 35,000 Croats and 10,000 Czechs and other minorities in the northern part, concentrated in the areas of Pakrac, Daruvar and Grubisno Polje. Between 13,500 and 17,000 Serbs, and about 750 Croats and others, lived in the formerly Serb-controlled part of the Sector, clustered around the settlements of Okucani and Gavrinica. Refugees and displaced persons lived on both sides of the cease-fire line.

23. Until 1 May 1995, the overall human rights and humanitarian condition of the Serbs was fragile but stable. The Croatian military offensive of that day had a major impact on the Serbs in the southern part of the Sector. The Croatian Government has since initiated measures to alleviate its effects. The investigations undertaken by UNCRO reveal that there have been instances of serious violations of human rights; however, these do not appear to have been systematic or part of a larger strategic design. Croatian police have, in general, performed in a professional fashion and the Croatian Government has shown a willingness to cooperate with UNCRO and other United Nations agencies in their efforts to address violations of human rights. However, investigations should continue so that a final assessment can be made of the impact on Serbs' human rights in the Sector during and after the offensive.

A. Human rights

24. Part of the local population was directly affected by the fighting through death, injury or detention. Following a number of attempts to obtain information, my Special Representative wrote to the Croatian Government on 23 May once again requesting information on Serb and Croatian casualties. A comprehensive reply has yet to be received.

25. However, according to information supplied by the Government, 188 dead bodies have been found. Of these, 127 have been identified. According to official Croatian sources, some of the dead are buried near Okucani. An initial investigation by UNCRO military officials found evidence suggestive of recent graves in the Okucani area. However, their contents have yet to be ascertained.

26. On the basis of discussions between UNCRO and the Government and official figures released by the latter, it appears that 1,494 persons were initially detained in violation of the cessation-of-hostilities agreement of 3 May 1995, which provided that the Government would permit all Serbs, who so wished, to

leave the Sector with soldiers being allowed to take their personal sidearms. The detainees were taken to three detention centres in Bjelovar, Pozega and Varazdin. Representatives of UNCRO and other international organizations were able to visit the centres and meet detainees. These visits revealed no reports of unsatisfactory conditions in the centre but they were subject to time limitations and were restricted to selected parts of the centres.

27. The Government informed UNCRO that 186 residual detainees who are being investigated for possible war crimes have now been transferred to prisons in Bjelovar (73), Pozega (45), Osijek (36) and Zagreb (32). Selective access to the prisons has been provided to members of the international community. But international standards are not being observed with respect to the arrest of detainees, their apparent inability to appear before a judge or have access to legal counsel and the requirement that application be made to a judge by those who wish to contact them. In addition, there are reports that 19 persons are being held by the Croatian military in Split. The names of the detainees and the reasons for their detention remain unknown.

28. Interviews of released detainees by CIVPOL monitors, UNCRO staff and staff from other United Nations agencies have produced evidence of mistreatment but without suggesting a pattern of widespread and systematic violations. Beating of detainees appears to have been the commonest form of mistreatment. Rearrests of released detainees have also come to the attention of UNCRO.

29. The number, identities and whereabouts of Serbs who were wounded during the conflict remain unknown. It is also difficult to determine how many persons are missing, in part because lists of casualties have not been made available to UNCRO.

30. UNCRO has cooperated, as appropriate, with other international institutions that are examining the human rights situation in Sector West. Representatives of the International Tribunal for the Former Yugoslavia have visited the Sector to determine if there were any serious violations of international humanitarian law requiring investigation by the Tribunal. These representatives also began their investigation into the missile attacks on Zagreb on 2 and 3 May. In addition, the Special Rapporteur of the United Nations Commission on Human Rights visited the Sector in order to prepare a report, which is expected to be available in the near future.

31. For its part, UNCRO has gathered information on possible human rights violations from statements made by local residents to its own personnel and to representatives of UNHCR and the officers of the Centre for Human Rights of the United Nations Secretariat and from reports by UNCRO military components and humanitarian organizations. On the basis of information received to date, an indeterminate number of civilians are believed to have died on 2 May 1995 in unknown circumstances in the village of Novi Varos. Other types of human rights violations were reported by local residents, including unconfirmed reports of: (a) looting of household items, livestock and vehicles by Croatian army personnel; (b) forced eviction of families from their dwellings; (c) burning or blowing up of scores of abandoned houses in Covac, Gredani, Okucani and Vrbovljani; (d) harassment and intimidation of the local Serb population; and (e) confiscation of personal documents, such as driving licences and car

registration papers. The extent of these violations cannot be ascertained accurately as many individuals are afraid to testify, while others have left the area.

32. Reference has already been made to the severe restrictions of movement imposed by the Croatian authorities on UNCRO and other international agencies throughout areas in Sector West formerly under the control of the Serbs during and after the fighting. This precluded normal patrolling and hindered access to places that may have needed prompt humanitarian assistance and human rights monitoring. Most restrictions of movement have now been lifted.

33. With a few exceptions, no immediate effects of these events have been evident in the northern (Croatian-controlled) part of the Sector. In Daruvar municipality, Orthodox nuns at Sveta Ana monastery reported being intimidated by unknown armed persons in camouflage uniforms, beaten and robbed of cash. UNCIVPOL monitors report that local Croatian police authorities have launched an investigation and have taken steps to protect the monastery. A considerable proportion of the Serb population who lived in the Serb-controlled part of the Sector were originally from the northern part and the surrounding area outside the Sector. Few have returned to those areas.

B. Refugees

34. About 10,000 Serb civilians and military personnel living in areas immediately affected by the fighting crossed the Sava bridge into Bosnia and Herzegovina during the first days of the Croatian offensive. After the cessation-of-hostilities agreement of 3 May 1995, about 4,000 Serbs remained in Gavrinica and surrounding villages and a few around Okucani.

35. In discussions leading to the cessation of hostilities, Krajina Serb authorities demanded the safe departure of remaining Serbs from Sector West. Operation Safe Passage was set up by UNCRO, with the assistance of UNHCR, to provide secure transportation for those Serbs who wished to leave Croatia for parts of Bosnia and Herzegovina under the control of Bosnian Serb forces. Approximately 2,169 Serbs have left Croatia since the Operation began on 9 May 1995. All were interviewed by both Croatian officials and UNHCR prior to their departure. Their right to stay was carefully explained but they all expressed a desire to leave of their own will. The Bosnian Government was informed of the movement of these people, which was conducted for purely humanitarian reasons.

36. On 2 June 1995, as a result of damage to the bridge over the Sava river attributable to an explosion, the cause of which has not been clarified, all convoys have been postponed, and 157 people who were registered for the convoy on 2 June were unable to leave. UNCRO and UNHCR are currently exploring means by which the convoys can be resumed as quickly as possible.

37. At the beginning, concerns were expressed about whether it was reasonable to ask the Serbs to make such an important decision in a short span of time. Once the situation in the Sector had stabilized the frequency of departures was reduced to enable the remaining Serbs to think through their decisions

carefully. As a result, several families changed their minds and a few remain undecided, but the majority appear to have decided to depart. In order to inform Serbs of their right to stay, if they so wish, a programme to visit families and villages has been carried out by UNCRO, in full cooperation with UNHCR. Efforts are also being made by UNCRO to obtain guarantees from the Croatian Government that it will allow those who left in haste to return if they so wish. The Croatian Government has offered assurances that it will do so and some people have expressed to UNHCR an interest in returning. Since many Serbs owned their houses and land in the Sector, the return will depend considerably on securing those assets. Firm assurances have accordingly been sought from the Croatian Government that they will be safeguarded.

38. On 26 May 1995, the Croatian Government issued a statement directed at ethnic Serbs who had been permanent residents of the region in 1991 but had left during the fighting in early May. In addition to announcing that the Croatian authorities were working as quickly as possible to rebuild civilian life within the region, the statement advised Croatian Serbs that they could file requests for their return with the Red Cross, UNHCR and other humanitarian organizations. The statement added that such requests needed to include an explanation, and that they would receive full consideration by "the competent bodies of the Republic of Croatia".

39. Repercussions of the events in Sector West have been felt in Bosnia and Herzegovina, as well as in the other Sectors in Croatia. Sector East has received about 5,000 Serb refugees through Banja Luka and the Federal Republic of Yugoslavia (Serbia and Montenegro) and Sector North has received 500. International agencies are attending to the needs of these refugees.

40. Meanwhile an increase in harassment and intimidation of Croat minorities in the Banja Luka area and Sector South has been reported, despite some local attempts to calm the situation. In Banja Luka, some Catholic churches have been blown up and nuns and priests have been targets of violence, including murder. The United Nations ability to report on such human rights violations in this area continues to be severely limited, particularly following the deterioration of the situation in Bosnia and Herzegovina since the last week of May and the forced departure of the civil affairs officer based in Banja Luka.

C. Humanitarian conditions

41. Following events in Sector West, most Serbs remaining in the Sector expressed fear and uncertainty over their future. Many had left their homes in haste, leaving behind property and possessions. Medical assistance and clothes were their main needs.

42. During this period, the Croatian Government has taken a number of steps to normalize life for Serbs, who are now mainly in the Gavrinica area. Infrastructure improvements have begun and small grants have been given to each family. A bus line and telephone links have started. The Croatian Red Cross has also been active. A registration centre has been opened in Gavrinica to process applications for citizenship. According to the Government, 1,070 requests have been received, 675 citizenship papers have so far been issued and

the remaining requests are being processed. The Government has also stated its wish to promote the participation of local Serbs in the normalization of life in the Sector by establishing civic committees for this purpose. The participation of the United Nations in these committees would also be sought.

43. The international response to events in the Sector has included assistance from United Nations and European agencies, including UNHCR, the United Nations Office at Vienna, the European Community Monitoring Mission, the European Community Task Force and ICRC. Human rights monitoring has been undertaken by UNCRO and the Centre for Human Rights and other organizations. Several international and local non-governmental organizations (NGOs) have begun to work with the Serb population. However, these confidence-building initiatives, along with the support of Croatian authorities, do not appear to have had much effect on the Serbs remaining in the Sector, most of whom still appear determined to leave.

V. OBSERVATIONS

44. In my report to the Security Council of 20 April 1995 (S/1995/320) I noted that the situation on the ground was volatile and that, without the requisite sense of responsibility on the part of all concerned, it could quickly deteriorate further. I noted that the plan for the deployment of UNCRO did not have the formal acceptance and full support of either the Croatian Government or the Serb local authorities but that the alternative to its adoption would be the withdrawal of United Nations forces and the resumption of war.

45. The Croatian military offensive in Sector West on 1 May 1995 provided a bitter example of the consequences that occur when conflicting parties forsake peaceful options and resort to war. The fact that the attack took place despite the presence of United Nations peace-keepers in the Sector underlines the reality that, without the cooperation of the parties, peace-keeping forces cannot keep the peace. While the presence of United Nations forces and negotiators was critical for achieving the cessation-of-hostilities agreement of 3 May 1995, for preventing escalation and for monitoring the subsequent humanitarian and human rights situation of Serbs in the Sector, it was not sufficient to prevent the sequence of events leading to the Croatian offensive nor to forestall the offensive itself.

46. In these circumstances, I have seriously re-examined the role of UNCRO. It will be recalled that the Council approved six principal functions for UNCRO in its resolution 990 (1995). These were: performing fully the functions envisaged in the cease-fire agreement of 29 March 1994; facilitating implementation of the economic agreement of 2 December 1994; facilitating implementation of all relevant Security Council resolutions including the functions identified in paragraph 72 of my report of 22 March 1995 (S/1995/222 and Corr.1); assisting in border control; facilitating the delivery of humanitarian assistance to the Republic of Bosnia and Herzegovina; and monitoring the demilitarization of the Prevlaka peninsula.

47. In meetings with my Special Representative since the military offensive, the leaders of both sides have stated their desire that the peace-keeping

mission should continue, but they have done so mainly for different purposes. The Croatian Government has welcomed the presence of a large number of international observers and monitors in Sector West to attest to its efforts to pursue high standards of respect for the remaining Serbs' human rights. Local Serb authorities have requested a United Nations presence to monitor the latter's situation, to facilitate the voluntary departure of those who wish to leave, to investigate human rights abuses and to press for the withdrawal of Croatian army and police forces from the area. The Serb side has also sought international assistance for over 10,000 refugees and displaced persons who fled from Sector West, but has restricted UNCRO movement in all the Sectors it controls, thus making it impossible for UNCRO to monitor the situation of the remaining Croats. The Croatian Government has expressed its deep concern about the situation of Croat minorities who have remained in the other Sectors as well as in Bosnian Serb-held areas of Bosnia and Herzegovina.

48. Both sides have also sought UNCRO's assistance in restoring the integrity of the cease-fire agreement of 29 March 1994, starting with the full withdrawal of opposing forces from the zone of separation and the withdrawal of heavy weapons to the 10- and 20-kilometre lines specified in the agreement. No progress has been made in facilitating a meeting between military commanders, though this is recognized by both sides to be an essential step to stabilize the tense situation.

49. However, while both sides have, at the central political level, declared their support for UNCRO's mandate with respect to the cease-fire agreement, cooperation on the ground has been unsatisfactory and UNCRO personnel have been put at risk. Both the Croatian Government and the Serb side have exhibited a high degree of cynicism towards their obligations under the agreement. It is vital that both sides reaffirm their commitment to it and their firm intention to cooperate fully with UNCRO in stabilizing the military situation and reducing tension. An essential step for the Serb side is to take firm action to stop the hijacking of United Nations vehicles and the armed robbery and intimidation of UNCRO personnel and to allow full freedom of movement to UNCRO within the Sectors.

50. Of the six principal functions that constitute UNCRO's mandate and despite the operational difficulties outlined in the preceding paragraphs, there appears to be common ground between the parties that the mission should fulfil the tasks arising from the cease-fire and the economic agreements and from its humanitarian and human rights mandates. The re-establishment of confidence-building measures and of cooperation under the economic agreement will be a slow but important process. The tasks associated with border monitoring, which are to be progressively implemented on the ground, will require substantially more time than originally envisaged, given the hostility engendered by the Croatian offensive. No changes are envisaged in UNCRO's functions related to the Prevlaka peninsula and the delivery of humanitarian assistance through Croatian territory to Bosnia and Herzegovina. However, the redeployment of the mission by 30 June 1995, as required under resolution 944 (1995), is no longer possible. Indeed, this redeployment is likely to require the major part of the present mandate period.

51. With regard to the modalities for the implementation of the UNCRO mandate in Sector West, discussions are at an advanced stage with the Croatian Government for the comprehensive deployment throughout the Sector of UNCIVPOL and civil affairs personnel. Their functions would be as set out in paragraph 19 of my report to the Security Council of 20 April 1995 and would include providing assistance to needy individuals and committees in cooperation with international agencies; monitoring the human rights of individuals and communities to ensure that there is no discrimination and that human rights are protected; facilitating the voluntary return of refugees and displaced persons in accordance with international principles and in coordination with UNHCR; and supporting local confidence-building measures between communities. As these will be primarily civilian functions, modifications, within existing resource limits, will be made to the current UNCRO deployment plans.

52. I am aware that many of the remaining Serbs in Sector West are preparing to leave, despite the efforts of the Croatian authorities to persuade them to stay. The individual and collective decisions made by local Serbs about their future in Croatia have been influenced by a number of factors. These include a mistrust of Croatian intentions concerning their welfare, uncertainty about the continuation of a credible international presence in Sector West and further disintegration of their community as a result of the hostilities in early May. For the remaining Serbs in Sector West to contemplate staying in Croatia would require strong guarantees of their civil and political rights, a stake in the economic system and a demonstration by the Croatian authorities that they genuinely desire a multi-ethnic society. Only through purposeful and concerted government policies of reconciliation and confidence restoration will there emerge a realistic prospect for peacefully resolving the present conflict.

53. The parties' requests that UNCRO should stay and complete its deployment are positive developments, but more than words are required to justify the continuation of this expensive and dangerous mission. I therefore intend to monitor closely the continuing level of the parties' cooperation with the UNCRO mission and particularly the extent to which they comply with the cease-fire agreement of 29 March 1994, allow UNCRO full freedom of movement and make serious efforts to protect its personnel from harassment, intimidation and armed attack. UNCRO will coordinate closely with the Croatian Government and with the High Commissioner for Human Rights, as well as with other international organizations and agencies, to ensure full respect for the human rights of the Serb minority in Sector West and to report on the extent to which purposeful policies of reconciliation and confidence-building are being implemented in the Sector.

54. I am conscious that there remain, on both sides, influential elements that continue to be unreconciled to the objectives of the international community and who are inclined to pursue their ends by military means. In this connection, I should like to express grave concern at reports of ongoing joint military manoeuvres by the Croatian Army and Bosnian Croat forces in the area of Mount Dinara adjacent to Sector South, including the shelling of UNCRO positions. My

Special Representative and the personnel, both civilian and military, of UNCRO will remain vigilant in their efforts to fulfil the mandate entrusted to them by the Security Council. Whether they are able to succeed will, however, ultimately depend on the willingness of the parties to settle their differences at the negotiating table rather than on the battlefield.